

REMARKS

I. Summary of Office Action

In the office action mailed January 22, 2009, the Examiner rejected claims 1-40 under 35 U.S.C. § 103(a) as being unpatentable over Killian (U.S. Pat. No. US6,163,316A) in view of Klosterman et al. (U.S. Pat. No. 5,940,073), hereafter referred to as Killian and Klosterman, respectively.

II. Status of Claims

Pending are claims 1-40, of which claims 1, 19, 24, 29, 33, 35 and 37 are independent and the remainder are dependent. None of the claims have been amended in this response.

III. Response to 35 U.S.C. § 103 Rejections

Applicants' presently claimed invention enables remote programming of a media recorder across a network such as the World Wide Web. For example, a Web site may show an advertisement for a scheduled television program. A user at his work office can simply click on the ad to remotely program his home media recorder to record the advertised broadcast programming. Because the user's work office and home may be far apart, the user is associated with his home recorder and the identified recorder is programmed to record the advertised program.

A. Killian and Klosterman Do Not Show Selecting Web Advertising to Remotely Schedule Recording The Advertised *Broadcast Programming*

With regard to claim 1, neither Killian nor Klosterman nor the combination of the two references show an "advertisement for a broadcast program to be provided on a first web site" where "selection of the advertisement" causes "automatically remotely programming the media-based device to record the *broadcast program*" as called for by Applicant's pending claims.

Killian shows information and advertisements downloaded from an “Internet link 14” to a platform 12 that displays the information on the viewer’s television. The Examiner argues that Killian “teaches how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5 line 51 – column 6, line 5 and column 8, lines 19-26, Killian.” Office Action at pages 2-3.

Applicants respectfully traverse the Examiner’s rejection. In Killian, the platform 12 is connected to the viewer’s television to “synchronize and integrate television signals and Internet information to display on the [viewer’s] television 40” as shown in Figure 1. Column 3, lines 19-24. Killian does not disclose remotely programming from a website, rather it provides a way for viewers *to program a recorder locally from the television itself*. The platform 12 of Killian supports JAVA applets or applications that provide interactive television programming” (column 3, lines 24-25), but is connected to display on the user’s television 40 to enable the user to use the platform 12 locally from the television 40 to select programs for recording.

Thus, Killian does not show using a website that is remote from the television to select a show for recording or remotely programming from a website show recording of broadcast programs. Rather, the platform 12 downloads programming guides from the Internet link 14 for display on the viewer’s television 40 to benefit from the capabilities of the Web, i.e., using program guide information to see program start times and viewing a Web site about the program. Because the viewer in Killian is operating the platform 12 from the television 40 itself, Killian does not teach remotely programming a recorder from a website to record a broadcast program.

Klosterman does not cure the deficiencies of Killian. Klosterman is directed to electronic program guides received by a set-top box, VCR, IRD, or integrated into the user’s television to be displayed on a television or computer screen. Column 1, lines 55-63. Figure 12 shows the

system with a program guide data processor directly connected to the local VCR and TV monitor. Although Klosterman describes that advertisements can be displayed on a computer monitor and selected, it does not disclose connecting to and programming over the Web or network. Klostermann's description of different devices to receive and display program guide information, does not teach that the EPG is displayed remotely from the television screen. Rather, Figure 12 shows the Program Guide Data Processor 1205 connected to the television 1215.

Moreover, even assuming Klostermann provided remote programming through a computer, Klostermann still does not teach that the "selection of the advertisement" causes "automatically remotely programming the media-based device *to record the broadcast program*" itself. Rather, Klostermann is clear that selection of the "advertising information regarding the product" causes the user to "see a billboard or *schedule recording of an infomercial of the product*." Column 2, lines 14-17. Klostermann does not teach remotely scheduling the recording of the advertised "*broadcast program*" itself as in Applicants' independent claims.

As a result, the combination of Killian and Klosterman does not show Applicants' present claims. Killian allows connection to the Internet, but it does not show remote selection over the web to record programs. Klosterman shows selection of advertisements to view more information or record infomercials on the product, but it does not program the media recorder over the web to record the advertised *broadcast program* itself. Thus, neither reference shows Applicants' pending claims. As such, independent claims 1, 19, 24, 33, 35 and 37 are all similarly allowable over the combination of Killian and Klosterman.

Because independent claims 1, 19, 24, 29, 33, 35 and 37 are allowable, all pending claims 2-18, 20-23, 25-28, 30-32, 34, 36 and 38-40 depend from the allowable independent claims and are also allowable for the same reasons.

B. Claims 3, 20 and 25 are Further Allowable As Killian and Klosterman Do Not Disclose a One-Click Programming Method

Dependent claim 3 recites that selection of the advertisement and automatic programming of the media-based device are invoked by one click on a hyperlink. This claim was rejected on the ground that “Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks.” See Final Office Action, at 4. The mere use of a mouse or touch screen to select hyperlinks neither expressly nor inherently discloses that “one click on the hyperlink” will invoke “automatic programming of the media-based device.” Thus, claim 3 is not rendered obvious by Killian and Klosterman and is allowable.

Claims 20 and 25 similarly recite that “the media-based device records the broadcast program with one click ... of the advertisement.” Again, the combination simply does not disclose a system in which a broadcast program is recorded as a result of a single click on an advertisement. Thus, claims 20 and 25 are further allowable for this independent reason and not rendered obvious by Killian and Klosterman.

C. Claims 19-28 and 37-39 are Further Allowable As Killian and Klosterman Do Not Show “Identification Information”

Independent claims 19, 24, and 37 are also allowable for an additional independent reason. These claims recite the extraction of “identification information” that is used for “logging into the source web service” (claim 19) or “accessing” such a service (claims 24, 37). The Examiner cites “viewer profiles” (Killian, column 9, lines 10-25; column 10, lines 1-17) as identification information, however, these profiles are not used to log in to any web service.

Rather, viewer profiles are only a collection of user rankings and preferences to “indicate the desirability of programming” and “the degree to which the viewer will likely enjoy programming”:

For each option presented to the viewer in connection with preference templates 82, preference templates 82 allow the *viewer to provide ranking information that EPG 70 uses to generate viewer profile 84 and provide enhanced viewing opportunities according to viewer profile 84*, as discussed more fully below. Referring to FIG. 4, genre preference template 82 includes options 86 and corresponding rankings 88 in any suitable presentation format that is viewable on television 40. In one embodiment, the viewer provides a ranking 88 for each option 86 to *indicate the desirability of programming* associated with option 86 according to any suitable scale, standard, or other criteria. For example, for each option 86, template 82 might include any number of circles, boxes, or other locations on template 82 that each correspond to a qualitative assessment of *the degree to which the viewer will likely enjoy programming* associated with option 86.

Col. 10, lines 1-17. Killian does not disclose using user preferences for “logging into the source web service.” Thus, independent claims 19, 24, and 37 are allowable and the dependent claims are allowable for the same reasons.

D. Claims 29-32 are Further Allowable As Killian and Klosterman Do Not Use Multiple Servers

Independent claim 29 further recites that a first server “transmit[s] identifying information of the user to the second server.” As described above, Killian and Klosterman do not disclose the use of identifying information of the user. Moreover, Killian and Klosterman do not disclose the sharing of such identifying information among more than one server, such as the first and second server of claim 29. Accordingly, neither claim 29, nor its dependent claims 30-32 are rendered obvious by Killian and Klosterman.

E. Claims 4-5 are Further Allowable As Killian and Klosterman Do Not Disclose Keeping a Count of Hyperlink Selection

Claim 4 recites the step of “allowing the second website to monitor a count of a number of times the hyperlink is selected.” This claim was rejected on the ground that “it is inherent that cookies are applied” in Killian’s design. See Office Action, at 5. Even if the use of cookies were inherent in Killian’s design, there is no disclosure that any such cookies are inherently used in Killian’s system to monitor the number of times a hyperlink is selected. Accordingly, claim 4 and its dependent claim 5 cannot be rendered obvious by Killian and Klosterman.

IV. Conclusion

Applicant respectfully submits that, in view of the remarks above, all of the pending claims 1-40 are allowable over the cited references. Applicant, therefore, respectfully requests withdrawal of the current rejections. The Examiner is invited to call the undersigned at (312) 913-2134 with any questions or comments.

Respectfully submitted,

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